

1 PUBLIC SCOPING MEETING

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5 U.S. Immigration & Naturalization Service

6 and

7 Joint Task Force Six

8

9 Supplemental Programmatic Environmental Impact Statement

10 (PEIS)

11

12 Fall 1998

13

14 Sierra Vista, Arizona

15

16

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1 PROCEEDINGS

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3 PATIENCE PATTERSON: Good evening.

4 First of all, I would like to explain why we
5 waited and didn't start promptly at 7:00.

6 The notice for this meeting had the address as
7 3555 East Fry Boulevard. As you can plainly tell, we
8 are not there. So we had someone standing by over
9 there, sort of directing traffic, as it were, to get
10 folks over here.

11 So we thought we would start -- start out with
12 a grace period, so we could afford everyone the
13 opportunity to be here from the get-go. So that's the
14 reason for our delay.

15 Thank you for coming.

16 This is a public scoping meeting on the draft
17 Programmatic Environmental Impact Statement, or PEIS,
18 for Joint Task Force Six, Immigration & Naturalization
19 Service Commission and primarily along the southwest
20 border.

21 My name is Patience Patterson, and I'll
22 preside over tonight's meeting.

23 Before decision is made to implement any
24 programs and accompanying strategies, JTF6 and INS must
25 do a complete analysis for those strategies.

1 This type of broad analysis is referred to as
2 a Programmatic EIS or more commonly known EIS, which
3 analyzes specific projects proposed by the government.
4 Part of the process involves receiving public input
5 during the early phase of the Programmatic Environmental
6 Impact Statement. This is called scoping.

7 At scoping meetings we ask for public input on
8 the scope or range of issues that should be considered
9 for analysis.

10 Comments received during scoping are addressed
11 during the development of the PEIS documents.

12 We have two goals tonight; to provide you
13 information about JTF6 and INS activities and to receive
14 your comments for consideration in PEIS.

15 Before introducing our speakers, I would like
16 to explain my role in this meeting. My purpose is to
17 ensure that we have a fair, orderly hearing and that all
18 who wish to be heard will have a chance to speak.

19 You can comment at this meeting in one of
20 three ways. On comment sheets, for those who would like
21 to hand write comments. Orally during the public
22 comment period or directly to the court reporter
23 following the general comment session.

24 And our court reporter over here, Patricia
25 Calabro.

1 People wanting to make oral comments need to
2 fill out a registration card. One of these should have
3 been provided to you upon sign-in. If you have not
4 filled out one but wish to, please raise your hand and
5 we'll be sure that you get one.

6 Before I introduce the speakers, I would like
7 to acknowledge Ms. Bernadette Polley, the district aide
8 to the Honorable Jim Kolbe, who is here this evening.

9 Now I would like to introduce the following
10 speakers for tonight. We have Assistant Chief Patrol
11 Agent, Robert Heins, of the U.S. Border Patrol; Deputy
12 Assistant Regional Director of U.S. Border Patrol,
13 Albert Sandoval; Lieutenant Mike Rossi, JTF6; and
14 Mr. Chris Ingram of Gulf South Research Corporation.

15 Our first speaker for this evening is
16 Assistant Chief Patrol Agent Robert Heins, U.S. Border
17 Patrol.

18 ROBERT HEINS: Good evening, ladies and
19 gentlemen. I would like to welcome you to this meeting
20 on behalf of Chief Ron Sanders, who is the chief of the
21 Tucson Sector.

22 The Tucson Sector is responsible for the
23 281 miles of international border between the U.S.
24 United States and Mexico that covers from the
25 Arizona/New Mexico state line to the Yuma County line.

1 As you can tell, it's quite a vast expanse of territory
2 to cover.

3 Up until about 1995, very little attention had
4 been paid to that area of the international border. The
5 majority of focus has been on San Diego and El Paso with
6 Operation Hold the Line and Operation Gatekeeper.

7 In February 1985, we started seeing an influx
8 in the number of aliens crossing into the Arizona area
9 and focus started to shift and we started to get
10 additional manpower resources.

11 Currently, the manpower strength at the sector
12 is approximately 1,000 Border Patrol agents, which is
13 probably 80 percent better than it was three years ago.

14 As you can see, the focus now is in Arizona.

15 In order to support those enhancements of
16 agents, we have had to get an increase in vehicles, an
17 increase in technology support, infrared scopes,
18 cameras.

19 We have asked for additional barriers to
20 assist us in protecting the southern border between
21 United States and Mexico. We have asked for fencing,
22 lighting additional border roads, all permitting us
23 access to areas to go and work where the illegal
24 activity is taking place, drug smuggling and alien
25 smuggling.

1 It also affords us an opportunity to get to
2 the areas where the aliens are easily left by the
3 smugglers in precarious positions without food and water
4 and left out there to die, which we are all aware of
5 living down here. It's a very unfortunate thing. We
6 are trying to combat that, as well.

7 We have seen a sharp increase in drug
8 smuggling here in the last year. The statistics are out
9 for the FY 98 portion of our border; it's 200,000 pounds
10 of marijuana and over 300,000 apprehensions of illegal
11 aliens. We have managed to rescue 100 undocumented
12 aliens stranded out in the desert. And unfortunately,
13 11 died this past year.

14 So again, like I said, we have 281 miles of
15 international border that has increased in violence,
16 increased the amount of illegal alien traffic and
17 illegal narcotics trafficking in the last few years.

18 And we are hoping to get some additional
19 support, as I said, as far as barriers go. That's why
20 we have gone to JTF6 and INS and the Army Corps of
21 Engineers to enlist their assistance. In the past, they
22 have been very responsive. And we have been discussing
23 plans in the next five years to increase fencing, to
24 increase lighting, increase camera installation and all
25 those particular items that assist us to protect the

1 international border.

2 Again, I'm here just to welcome you on behalf
3 of the chief, give you a quick overview of the Tucson
4 Sector.

5 I'm sure you have all seen in recent months
6 the problem we've had with violence: The agents being
7 killed in Nogales, agents being shot at in Naco, agents
8 being shot at in Douglas. Those are all consistent with
9 when you attempt to take control of the border, you
10 start putting things in place to deny the people freedom
11 of movement to conduct their illegal activity, of course
12 they will do whatever they can to force you out of that
13 mode.

14 Our strategy is to keep them on the border
15 with a high visibility return posture. They're going to
16 fight that, do whatever they can to circumvent whatever
17 we are trying to do.

18 That's why we are asking for the additional
19 resources as far as physical barriers, equipment,
20 manpower to better secure the international border in
21 Arizona.

22 And I'll turn that back over to you, then.

23 ALBERT SANDOVAL: I, too, want to thank you
24 for attending tonight's meeting.

25 I represent both Headquarters and the Border

1 Patrol Chief, as well as Regional Director Johnny
2 Williams, who is my boss. I'm out of the Laguna Negel
3 Regional Headquarters Office of the Western Region.

4 I want to talk about a very brief overview of
5 what the Border Patrol, in general, does on a nationwide
6 basis.

7 I'll take about five minutes of your time.

8 Here's a brief history of how we came to be.

9 We were called border guards back in the early
10 1900s, and we did not become Border Patrol agents until
11 1924.

12 Next year we will celebrate our 75th
13 anniversary as an organization.

14 And INS became part of the Department of
15 Justice in 1940.

16 We're broken down nationwide into 21 sectors,
17 as you can see, located all on the border. Not just the
18 southwest, but we have them on the northern border, as
19 well as Puerto Rico.

20 We are divided into three regions; western,
21 central and eastern region.

22 We have our headquarters Border Patrol
23 component located in Washington, D.C.

24 The mission of the Border Patrol is to deter
25 and prevent illegal immigration. We are responsible,

1 also, because of our proximity and because we're out
2 there, in interdicting and apprehending aliens, but
3 because of where we're at, we're doing a lot of drug
4 interdiction, also. We are the lead agency, as you can
5 see, for drug interdiction between the ports of entry.

6 Some of our operations include line watch,
7 which is the first and foremost. Whether it be across
8 the river or across the fence, that is the primary
9 function or one of the primary functions of the Border
10 Patrol agent.

11 In addition to that, we have at different
12 locations, strategic locations, traffic checkpoints set
13 up where -- here in the Tucson Sector, I believe there's
14 five at any given time. You have probably seen them if
15 you drive on Interstate 19, that's the one that comes to
16 mind because I've gone through it.

17 We have agents working plain clothes,
18 transportation check operations. Some areas they target
19 are airports. Other areas, they work train stations
20 depending on where the activity is, the smuggling
21 activity. We have air operations in all of our Border
22 Patrol sectors for the most part. That's -- as
23 Chief Heins talked about, that not only serves as just
24 spotting the illegal alien activity, but also they've
25 been very instrumental in the rescue effort. It's

1 ongoing across the southwest border with our own air
2 operations as well as the Civil Air Patrol.

3 Marine Patrol works primarily areas like
4 Puerto Rico, for example. We have a sector out there.
5 They have a lot of boat interdictions. They have boats
6 having illegal aliens, as well as a lot of the sectors
7 have both a horse and a bike unit, which just allows
8 them the flexibility to work areas that are not
9 accessible by vehicles. The horses and the bikes are a
10 good mode of working some of the city areas.

11 And our canine program works very well at our
12 check points and have been responsible for substantial
13 narcotic seizures.

14 The strategy now calls for a prevention
15 through deterrence. We are going to a more high
16 visibility aspect. We want to be able to make it so
17 difficult for the people to come across, as opposed to
18 actually just being there and catching as many as we
19 can, we want to make it very difficult for them to be
20 able to cross.

21 And it's a multi-year approach. It started in
22 various areas. In San Diego, it started with Operation
23 Gatekeeper. The San Diego sector was originally the
24 biggest hole, so to speak, for people coming through.
25 And they've shut down -- I'm speaking about the Imperial

1 Beach area -- they shifted traffic east. And now you're
2 seeing it here in Tucson.

3 Some of the operations going on: We have Hold
4 the Line in El Paso, Gatekeeper in the San Diego Sector.
5 Tucson Sector had Operation Safeguard in 1995. And we
6 have an ongoing operation in the McAllen Sector,
7 Operation Rio Grande.

8 The apprehensions, this is only for the first
9 six months of FY 98 -- the Tucson Sector, Chief Heins
10 indicated they have exceeded 300,000. But for the first
11 six months here in Tucson, it went from last year for a
12 total for the whole fiscal year of 184,000, to over
13 300,000 this year. So it's been a substantial increase.

14 As he mentioned earlier, back in 1997, there
15 was 800 agents. Now they are up to over 1,000.

16 Again, this slide indicates that 52 percent of
17 all the marijuana seizures by all federal agencies were
18 caught by the Border Patrol.

19 Seizures, as you can see, have gone up and
20 down in Tucson. And in '93, there were 739. They went
21 up to an all-time high in '97. And in '98, they went up
22 even higher to a thousand. Close to a thousand drug
23 seizures.

24 Let's see. 160,000 for the whole year in
25 1997, and this was just six months. Bear in mind only

1 six months in '98. Was over 156,000 pounds had already
2 been intercepted here.

3 Same as cocaine. 192 pounds all of last year.
4 Here they are up to over 1,400 pounds in the first six
5 months of 1998.

6 Again, this slide shows that the first six
7 months of '98, the dollar amount of the seizures was
8 over \$171 million as opposed to all of 1997, which only
9 reached 139 million.

10 And here it shows nationwide the total cocaine
11 seizures, and we're up already to almost 15,000, or
12 probably exceeded 15,000 for the year.

13 705,715 marijuana seizures nationwide. These
14 are some of the things that happen on a daily basis all
15 across the border.

16 These are some of the indicators. For
17 example, 2,500 pounds in Brownsville, Texas. This is
18 over a week -- just in a week's period. Another
19 2,500 pounds in Laredo, which is just north of
20 Brownsville. And between them they had 16,000 pounds of
21 marijuana in Rio Grande City, which is kind of in
22 between those places.

23 In the Tucson Sector, they had a significant
24 seizure in August, 1,200 pounds of marijuana. This was
25 working with Customs. I believe there was even an

1 additional one here recently, even more than that, that
2 I believe it was 2,000 pounds. 2,800 pounds of -- in
3 Naco, Arizona, 2,800 pounds in Naco, Arizona.

4 These are going on each and every day that the
5 Border Patrol is faced with.

6 That's the last slide.

7 And now I'm going to turn it over to
8 Lieutenant Colonel Mike Rossi.

9 MIKE ROSSI: Good evening, ladies and
10 gentlemen. I'm Lieutenant Colonel Mike Rossi.

11 Patience, here, was -- I hope she's not
12 predictive or a soothsayer in calling me
13 Lieutenant Rossi. That's okay. My in-laws call me
14 Lieutenant Rossi, too.

15 I'm here tonight to explain about Joint Task
16 Force Six, about what we are, why we are, and then how
17 we go about doing our business.

18 Hopefully by the end of this evening you'll
19 have a greater understanding for our organization, our
20 purpose and how we support the various federal, local
21 and state law enforcement agencies in their efforts to
22 counter the flow of drugs in our communities.

23 What you've got in front of you is my agenda
24 for my five or ten minute talk to you here.

25 What I'm going to do, here, is tell you how we

1 operate. We'll start with the National Drug Control
2 Policy and work our way down to the Department of
3 Defense in JTF6, what our mission and organization is
4 and the kind of support we provide to law enforcement
5 agencies.

6 The statistics you see here give you a view of
7 the nation's drug problem. Illegal drug use is
8 responsible for a significant amount of the criminal
9 activity and it poses a serious public safety and public
10 health problem for the government at all levels.

11 An estimated \$83 billion per year is spent on
12 governmental agencies to address drug-related problems,
13 with about 67 billion going to social programs such as
14 treatment and education. And the balance, 16 million,
15 is spent on law enforcement each year.

16 As you can see, drugs in our society have a
17 vast negative impact. They impact on the productivity
18 of our work force, disrupt our educational system in our
19 country, have a significant impact on law and order in
20 our community, affect our family and place a burden on
21 our health care system.

22 To address these issues, the office of drug
23 control policy working at the direction of the
24 president, formulated and published the national drug
25 control strategy which defines our national plan, to

1 combat and treat drug use, to assign goals and
2 objectives by which we can measure the success of our
3 efforts.

4 Here is the plan. These are the goals laid
5 out in and the strategy published in February 1998. The
6 Department of Defense and JTF6 contribute to attainment
7 of these goals by providing support to law enforcement
8 efforts to reduce drug-related crime and violence.

9 To shield America's land, sea and air
10 frontiers, and to break foreign and domestic sources of
11 supply.

12 The national objective is to reduce drug use
13 availability by 50 percent in the year 2007.

14 As I told you earlier in the brief, I told you
15 I was going to tell you what we are going to do, our
16 mission. I have that for your viewing right now.

17 We were established in 1989, to provide law
18 enforcement agencies to the southwest border. Since
19 1989, our responsibilities have grown to include all of
20 the continental United States.

21 The main focus for our support remains the
22 four southwest border states, where over 80 percent of
23 our missions occur.

24 Our most recent mission statement, approved
25 earlier this year, is shown on the slide. I'll read it

1 to you in case you can't see it.

2 Joint Task Force Six synchronizes and
3 integrates department operational, technological,
4 training and intelligence support to drug law
5 enforcement agencies counter drug efforts in the
6 continental United States to reduce the availability of
7 drugs in the United States.

8 This slide shows you the specific legislation
9 by Congress which established Joint Task Force Six and
10 provides the legal constraints under which the task
11 force operates.

12 To summarize the various laws you see here,
13 what they basically did was authorize the Department of
14 Defense to conduct training exercises in drug
15 interdiction areas, to provide support to the
16 counterdrug efforts, and to assist with detection and
17 monitoring of cross border smuggling activities.

18 This slide shows you our constraints and
19 considerations and restrictions. All these supports
20 must be at the written request of law enforcement and
21 they must have a specific counterdrug nexus or linkage
22 of a counterdrug nature. That must be clearly
23 articulated in the written request.

24 All JTF6 activities must comply with the posse
25 comitatus act which prohibits the use of military forces

1 for domestic police functions. We may not violate the
2 sanctity of the U.S./Mexican border. We must follow the
3 rules of engagement, which only allow the use of force
4 in self-defense.

5 Currently, no Joint Task Force Six operations
6 are authorized to carry weapons, and all security is
7 provided by the support of law enforcement agencies.

8 We are prohibited from collection and
9 maintaining of information on U.S. persons and undergo
10 independent intelligence oversight special listings to
11 ensure compliance.

12 We may conduct no operations on private land
13 without the express written permission of that land
14 owner.

15 Our funds can only be expended on counterdrug
16 support.

17 As you are probably aware, ground missions,
18 which I will describe later, are currently under
19 suspension by order of the Secretary of Defense. We
20 provide a wide range of operational, training, engineer
21 and general support to the law enforcement agencies.

22 In a simple nature, in order to explain our
23 role in the counterdrug effort, we put up this slide.
24 We provide support, but we're not police. We do not
25 search people or property. We do not seize contraband

1 and we do not make arrests.

2 This is the cycle one more time through how
3 the Joint Task Force will support a mission of the law
4 enforcement agency. The law enforcement agency provides
5 a written request for support. All requests are
6 processed through Operation Alliance. This is an agency
7 made up of federal, state and local law enforcement.
8 Representatives who validate the counterdrug linkage or
9 nexus and provide us with our working priorities.

10 Joint Task Force Six conducts an independent
11 LEA review and once the mission approved by our command
12 group, we solicit for a volunteer unit to execute the
13 mission.

14 These units sign up for the training benefit
15 they receive. This training and this training benefit
16 closely matches the specific skills those units would
17 need to conduct if they were to be employed in the
18 wartime scenario.

19 Engineers who were to be employed out of the
20 country, for example, would build roads or do
21 construction efforts.

22 The mission is planned, briefed and briefed
23 for approval to JTF6 and the law enforcement agency.
24 Then formal orders are issued to begin the support
25 mission.

1 After each operation, Joint Task Force Six,
2 the unit that conducted the mission and the law
3 enforcement agency conduct an after-action review to
4 capture any lessons learned.

5 This shows the operational missions we are
6 authorized to perform. Ground observation and
7 reconnaissance is using military forces to watch
8 smuggling routes or patrol remote areas to locate
9 marijuana plots or narcotics labs. Both these missions
10 are under the suspension I spoke of earlier, and we
11 conduct none of these operations at this time.

12 Aerial observation is the use of Department of
13 Defense aircraft to spot drug growing areas or labs and
14 monitor smuggling corridors. Information or activity is
15 immediately passed on to the law enforcement agent for
16 action. Sensor missions involve monitoring smuggling
17 corridors to detect and report activity to law
18 enforcement agencies once again. Ground censor
19 operations are covered also by the recent suspension.

20 We also provide a medical evacuation support
21 and transportation of supplies and equipment.

22 The last bullet, controlled delivery, can be
23 best explained by example. Often a law enforcement
24 agency will request our support in moving captured drugs
25 from the point of the arrest to the smuggler's

1 destination in order to make arrests.

2 We provide the transportation to move the
3 vehicle and seize the drug loads all under law
4 enforcement supervision. We do not get involved in the
5 chain of custody of any evidence.

6 Our engineers provide a wide range of
7 assessment services to include project design, surveys,
8 cost estimating, environmental assessments and master
9 planning of infrastructure. Our primary construction
10 missions are border roads, fences and lights between
11 U.S. ports of entry along the southwest border, and
12 training and operational facilities, such as small arms
13 ranges, vehicle maintenance facilities, aviation support
14 facilities, Border Patrol check points and other
15 structures throughout the United States.

16 Mobile training teams are small groups of
17 subject matter experts requested by the law enforcement
18 agencies to provide classroom and practical instruction.
19 We provide 150 training teams per year in medical,
20 firearms, intelligence, language and planning
21 techniques.

22 Also, specialized training is coordinated by
23 JTF6 but provided by the U.S. Army Military Police
24 School. Examples of their support and training,
25 classroom training, include tactical police operations

1 and special reaction team technique. We participate in
2 technology sharing efforts with the law enforcement
3 agencies. Examples are sensors, night vision and tunnel
4 detection technologies.

5 This slide sums up what JTF6 is all about. We
6 are a dedicated organization drawing from all four
7 services committed to the service of our nation in
8 supporting our law enforcement agencies in the
9 counterdrug effort.

10 This concludes my formal briefing. I will be
11 followed by Chris Ingram, who will discuss the process
12 we will follow under NEPA.

13 Thank you.

14 CHRIS INGRAM: Thank you, Colonel Rossi. As
15 you were told, my role here is to discuss the National
16 Environmental Policy Act. NEPA, as it's commonly
17 called.

18 NEPA was passed by the U.S. Congress in 1969.
19 It requires that any federal agency proposing to take on
20 an action or proposing to commit resources to an action,
21 that they have to prepare a NEPA document.

22 There's three levels of environmental
23 consideration. First is a categorical exclusion. These
24 are for very minor projects which a no impact is really
25 expected. The next is environmental assessment, and the

1 third is environmental statements.

2 INS and JTF6, have elected to go right to the
3 environmental impact phase for NEPA.

4 And NEPA and the President's Council on
5 Environment Quality require when an EIS is prepared that
6 a focus meeting or process meeting is undertaken.
7 That's why we're here tonight.

8 The purpose of a NEPA document is threefold.
9 First, it provides full disclosure to the public of the
10 proposed action and the expected impacts from that
11 action.

12 It also allows the public a chance to
13 participate in the decision-making process.

14 Thirdly, probably more importantly, it
15 provides the decision maker -- decision makers with
16 sound objective data and impact analysis so they can
17 make an informed decision.

18 I would like to go over the NEPA process.

19 The federal agency may identify a problem or
20 need, and then they will also identify some potential
21 actions that would satisfy or resolve that issue.

22 Then, as in this case, the environmental
23 impact statement will be prepared. They will publish a
24 notice of intent to prepare that EIS in the federal
25 register. This EIS was published in the register on

1 August 28th that initiated the public scope process.

2 We are having a series of meetings all along
3 the border. This is the fourth in a series of ten
4 tonight.

5 I'll give you the entire process and give you
6 a deadline for the scoping comments later.

7 We will take in all of your comments tonight,
8 along with the rest of the scoping meetings, and prepare
9 the draft NEPA document, taking all of your issues and
10 try to address all of them.

11 That draft will be released to the public for
12 review and comment for a minimum of 45 days.

13 After that we will receive more comments. We
14 will address each of those and prepare the final NEPA
15 document that will be released to the public for review
16 and comment, at that time, for a minimum period of
17 30 days. After which, the decision will be issued by
18 INS and JTF6.

19 All these NEPA documents have numerous federal
20 and state environmental regulations and statutes that
21 they have to comply with.

22 Some of the federal statutes, of course, NEPA,
23 Disadvantaged Species Act, Clean Border Act, Clean Air
24 Act, Executive Orders such as 12-8-98, which was the
25 executive order President Clinton signed in '94

1 regarding environmental justice, and numerous state
2 statutes and regulations.

3 Currently INS and JTF6 are complying with NEPA
4 and the other regulations in several ways. First of
5 all, 1994 they prepared a programmatic EIS that covered
6 proposed actions for five years. That five years is up
7 in 1999. That is why INS and JTF6 have elected right
8 now to start on this EIS, supplemental EIS, that will
9 update the 1994 Programmatic EIS.

10 Since then, they have had site specific,
11 project specific environmental sessions that have tiered
12 to that programmatic EIS whenever a specific project was
13 identified.

14 Most of those require cultural and biological
15 resources to identify the exact location of the
16 resources and many of them, particularly the major
17 engineering construction projects, required on-site
18 monitoring to be sure that there haven't been any
19 impacts to those resources.

20 As I mentioned, '94 had EIS. Now that window
21 comes to a close next year and INS and JTF6 have elected
22 to supplement that programmatic EIS. We will form in a
23 similar manner, in that the baseline or existing
24 conditions will be described in four technical support
25 documents. Most of this will focus on a 50-mile

1 corridor along the border. However, projects can be and
2 probably will be initiated sometime over the next five
3 years outside of that corridor. We'll address those
4 projects or potential for those projects in the EIS.
5 Most of the attention will be focused along that 50 mile
6 corridor.

7 Some of the goals for the programmatic EIS:
8 To identify the types of projects that INS and JTF6
9 anticipate will be needed for the next five years.

10 We'll describe the generic impacts anticipated
11 for each type of action. Again, we cannot tell you
12 exactly where the projects are going to be in the next
13 five years. We're going to tell you the types of
14 projects and magnitude of the types of projects to
15 expect and describe the impacts from those types.

16 We will compare what we projected in '94 to
17 what's happened, use that data to extrapolate for the
18 next five years to get a really good cumulative impact
19 analysis.

20 It will provide the accurate, sound data for
21 the decision makers.

22 Some of the benefits of the programmatic EIS
23 is that it does provide full disclosure, eliminates some
24 repetitive discussions through tiering, which is allowed
25 by CEQ and encouraged by NEPA. It provides an

1 assessment of cumulative impacts of their entire
2 program. This is kind of unique, very few agencies have
3 looked at the entire program to try to disclose to the
4 public exactly what those impacts could be.

5 And it also maintains a coordination amongst
6 the resource agencies. Provides the fish and wildlife
7 service, state preservation officers with some
8 information that they probably would not have gathered
9 in any other way.

10 As I mentioned, we do the on-site field
11 monitoring and surveys.

12 I want to emphasize, that preparing the
13 supplemental PEIS will not allow JTF6 or INS or any
14 other agency federal or state to go off and do a project
15 that may have some significant impacts or any impacts
16 without complying with NEPA, National Historic
17 Preservation Act or any other federal or state
18 regulation or statute. They still are going to have to
19 comply with all those laws and regulations.

20 This is a schedule that we have proposed for
21 developing the supplemental PEIS. As I mentioned, the
22 notice of intent was issued August 28. We started the
23 public scoping meetings September 14. And I mentioned
24 earlier this is the fourth among a series of ten. We're
25 going to be accepting comments from you all the way up

1 to December 16. We plan to have a draft PEIS in
2 February for public review. And then by September of
3 1999, we go up to have a final PEIS out for public view,
4 again, with a record of decision in 1999.

5 That concludes my presentation. I'm going to
6 turn it back over to Ms. Patterson to let her tell you
7 about the ground rules. Thank you.

8 PATIENCE PATTERSON: Before we do that, I
9 offer my apologies to Colonel Rossi for omitting a
10 significant portion of his rank there. I'm sorry.

11 We have a court reporter, Patricia Calabro,
12 here, who will record word for word everything that is
13 said. The verbatim record will become part of the draft
14 PEIS. This will allow document preparers to review
15 inputs exactly as they were stated so they can make sure
16 that your comments are accurately and completely
17 addressed.

18 With that in mind, please help me enforce the
19 ground rules for tonight's hearing.

20 First, please speak only after I recognize you
21 and please address your remarks to me.

22 If you have a written statement, you may leave
23 it in the box for written comments at the back of the
24 room or up here somewhere and/or you may read it aloud
25 as long as the time limitations are observed.

1 Second, please speak clearly and slowly into
2 the microphone, starting with your name, address and the
3 capacity in which you appear. For example, public
4 official, designated representative of a group, or an
5 interested citizen. This will help our court reporter
6 prepare the transcript, as well.

7 Third, please observe the time limits.
8 Everyone will have five minutes to speak. When you've
9 reached your allotted time, I will raise my hand.
10 Please finish up quickly so that we may hear from the
11 next speaker.

12 Fourth, please honor any requests I make of
13 you to stop speaking after your allotted time has
14 elapsed. If you have more comments than you can present
15 in five minutes, please take time now to prioritize them
16 so that the most important comments are spoken first.

17 If you later decide you have more comments
18 following this meeting or have additional considerations
19 you wish to have addressed, please provide them in
20 writing to us either at tonight's hearing or by mail.

21 Fifth, please do not speak while another
22 person is speaking. Only one person will be recognized
23 at a time.

24 At this point, I would like to make note of
25 this slide that's here now, which is the Supplemental

1 PEIS Scoping Issues. And as you note, these issues
2 are -- don't include all of the issues that might be
3 addressed. These are some of the ones that we certainly
4 intend to address and do so by law.

5 If there are other issues, then we wish to
6 hear about those and certainly make note of those in the
7 document.

8 We will now begin the comment period. And we
9 have five speakers. And in order, I will name them and
10 they can come forward after each.

11 These are David J. Garcia, Bill Lopez, Minnie
12 Mann, Peter L. Steere and Joseph T. Joaquin.

13 David J. Garcia.

14 DAVID J. GARCIA: Yes. My name is David
15 Garcia. I'm a member of the Legislative Council Tohono
16 O'Odham elected official.

17 I live in the City of Tucson. I represent
18 over 23,000 members living on and off the reservation.

19 I have a letter here. I would like to
20 apologize. Our chairman of the Tohono O'Odham Nation is
21 in Washington, D.C. But he has prepared a letter and it
22 basically states there are ten scoping meetings that are
23 planned. The chairman of the Tohono O'Odham Nation, we
24 request two scoping meetings be set up in the town of
25 Sells, Arizona, which is the capital of the Tohono

1 O'Odham Nation.

2 Second, the district I represent, Chukut Kuk,
3 who passed the resolution supporting the JTF6 along with
4 the Army of Engineers. That resolution is 02-91.
5 Signed by, at that time, the district chairman, Cecil
6 Williams.

7 Along with that is another district
8 resolution, 06-91, signed by, at that time, our
9 chairman, Katharine Norris.

10 Along with it are two resolutions that were
11 supported and passed by the Legislative Council, which
12 is the Tohono O'Odham Nation, Resolution 91-406. And
13 also Resolution 92-350. Both those resolutions were
14 signed by the late chairman of the Tohono O'Odham
15 Nation, Josiah Moore.

16 I would like to go back -- the reason why I
17 read the resolutions is because just reading through the
18 impact statement does not speak of the Tohono O'Odham
19 Nation, and yet it was Tohono O'Odham Nation that
20 supported the JTF6 along with the Army of Engineers when
21 they built their road on the Tohono O'Odham Nation.

22 The Tohono O'Odham Nation, the Chukut Kuk
23 district, which is probably 63 to 75 miles that lies
24 along the international border. So therefore, with the
25 request of the chairman of the nation, that we're asking

1 that we have two scoping meetings on the Tohono O'Odham
2 Nation to address having an opportunity to make comments
3 and statements so -- because a lot of us are not able to
4 travel to Sierra Vista and Yuma.

5 We are going to be attending -- at least some
6 of us elected officials will be attending, hopefully,
7 the one in Yuma, and the last one that I see that is
8 scheduled, which is in Albuquerque.

9 But we have been meeting with various
10 individuals representing some of those agencies. They
11 are here representing the Border Patrol, INS, Customs.
12 And those individuals representing those agencies, as
13 well as even individuals that I have personally
14 contacted in the Justice Department, who have come and
15 met with members of the Legislative Council and District
16 Council members.

17 And so I leave you with that. And again, for
18 the record, there are resolutions and a letter asking
19 for two scoping meetings. Thank you.

20 PATIENCE PATTERSON: Thank you. William
21 Lopez.

22 WILLIAM LOPEZ: Good evening, ladies and
23 gentlemen. My name is Bill Lopez. I'm an elected
24 public official of the Chukut Kuk District. I'm the
25 vice chairman.

1 Our district buffers the international border.
2 As David said, it runs 63 to 75 miles of borderline. We
3 are the front lines that first feel the impact of
4 illegal aliens and drug activities along the border.

5 David mentioned the JTF6 and its improvement.
6 In 1991, there was support by our district to a proposal
7 that was proposed by the Border Patrol to fix those
8 roads along the border. There is some concerns now that
9 we have as a district, probably also other districts,
10 that those -- that the district -- the roads that were
11 improved have been all but abandoned.

12 We have gone out there and looked at the
13 roads. And there is no use to what Border Patrol at
14 that time wanted these roads to be improved for, was to
15 do patrolling along the border. But that has not
16 happened to this date.

17 What they have done now is -- concerns that
18 our community members and also our Council members have
19 raised at our meetings, is that now that in relation to
20 the environment, Border Patrol is now in using some of
21 their tracking techniques or systems. They have started
22 dragging tires without any kind of environmental
23 statement or archaeological or biological assistance
24 of those areas that our members have utilized, being
25 that the roads lead to a cemetery or a home site in

1 those areas.

2 So the Border Patrol has begun to utilize
3 those roads and increased the activities to dragging the
4 tires without any kind of assessment that should have
5 been done prior to them dragging their tires.

6 Yes, I agree that there is -- this kind of
7 method helps them in a way, but as far as the
8 environment, also the culture, archaeological sites,
9 there is no evidence of any kind of impact statement to
10 the Nation or anything written up that the District has
11 seen or the Nation has seen.

12 But this has been mentioned for years, the
13 kind of impacts that the tires have made on those roads.
14 And that has been always an issue we have raised with
15 the three sectors that control or patrol our areas,
16 which is Tucson, Casa Grande and Ajo Section.

17 And we have invited supervisors, we have told
18 supervisors, but it has seemingly fallen on deaf ears.
19 I have even raised the government to government
20 relationship that Bill Clinton has signed toward the
21 Native Americans. One supervisor said he wasn't aware
22 of such government to government relationship by Bill
23 Clinton that was signed, so -- and that brings a concern
24 that it's only the top officials are aware of that and
25 it's not being funneled down to the supervisors or even

1 to the field officers that are out there.

2 Granted, like I say, they are doing a job and
3 we do support any law enforcement to deal with these
4 kinds of illegal activities or illegal entry by illegal
5 aliens, but we have brought this concern time after time
6 after time again from our community members.

7 And the last meeting we had, I brought this
8 attention up to the Bureau of Indian Affairs to the
9 environmental coordinator, who is here today, who is one
10 of the speakers, and also to Mr. Peter Steere, who is
11 the cultural affairs manager for the Tohono O'Odham
12 Nation, to look at the areas of concern that we have
13 because it's getting worse and worse.

14 They have, I believe -- what I noticed in time
15 was that the tires have -- they have been dragging --
16 usually the method they used before was tie chains
17 around it. They have gotten sophisticated to where they
18 have bolts and even steel beams running across it, I
19 guess, to create some kind of leverage. But still the
20 tires do bounce around and destroy vegetation and
21 there's no control. And we have seen that they have
22 created a grading system using these tires.

23 There's one supervisor mentioned that they use
24 size 15 tires. But we have pictures or evidence of they
25 do not use 15, they use tractor tires also, 16-inch

1 tires. And there is no regard for what these tires are
2 going to do to the vegetation or the plants out there
3 that may be on the endangered species list for the
4 nation, and also the archaeological sites that may be in
5 the path.

6 But as you will hear from Mr. Steere, that his
7 concern -- and also from the committeeman, as I
8 mentioned before but -- there's also a -- there has been
9 a solid waste management code that was recently adopted
10 by the Nation. And with the tires being left out there,
11 after they are being used, they are clearly in violation
12 of that ordinance. So they are leaving tires out there.
13 That's too big right now.

14 And also, with the -- they do pick up illegal
15 aliens, they leave their trash out there, their plastic
16 containers. Their belongings they have.

17 We have racist issue in Border Patrol. Up to
18 date, I don't think anything has been done.

19 But also, human rights issues. But that's
20 a -- a whole different issue.

21 PATIENCE PATTERSON: Thank you.

22 The next speaker is Minnie Mann.

23 MINNIE MANN: Good evening. I'm Minnie Mann.

24 I'm the environment specialist for the Bureau of Indian
25 Affairs, federal agency. My address is Box 490, Sells,

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1 Arizona. 85634.

2 I'm the designated person to represent BIA at
3 this meeting here tonight and EIA. We have four area
4 offices in our jurisdiction along the border with the
5 Indian tribal communities. And a total land hold of at
6 least 3 percent of the entire 2,000 miles of the
7 corridor. With that, we have at least an estimate of
8 25 tribal communities that are directly impacted by the
9 border activities whether JTF6 or other law enforcement
10 agencies.

11 We have a lot of concerns raised by the Tohono
12 O'Odham Nation. They have come to our offices to raise
13 these issues because, like the person before me said,
14 these concerns were not addressed. As I look through
15 the document completed in 1994, the Nation nor the BIA
16 were not on the mailing list, so education, information
17 never did really get out there to the communities, the
18 tribal community, Tohono O'Odham or San Xavier District
19 located near Tucson, Arizona. So we were pleased to see
20 that there was a supplement coming up with the EIS. And
21 we saw that as our opportunity to bring up our concerns.
22 And we hope that our concerns will be addressed and that
23 our issues will be discussed.

24 We ask federal agencies, INS, BLM, BIA, as a
25 federal agency, we have responsibility on -- under the

1 National Reserve Condition, under Section 106. The
2 typical requirements include cultural resource
3 identification, which is intensive surveys or conducting
4 surveys of cultural resource sites, site assessment,
5 estimate of site damage.

6 How can these be accomplished? Only through
7 tribal input? The tribe will be the best resource for
8 all the agencies to get the information. How the
9 document was put together without the Nation's input or
10 without the local BIA agency, that is one of our
11 questions.

12 We understand this is the INS/JTF-6 process,
13 but we are hoping that Border Patrol activities will be
14 tied in with this process and their activities will
15 be -- or their activity along the border will be
16 addressed. I notice that it also mentioned that
17 site-specific needed documentation will be conducted.
18 But I never did see anything come into my office that
19 was completed for a site-specific project.

20 And then we do have cultural resources out
21 there. We do have protected species out there. We have
22 the Sonoran Desert tortoise is out there, even though
23 not endangered, it is a culturally sensitive species.
24 Protection of its habitat is very important to the
25 Nation and also to the BIA.

1 The Phoenix area office and Papago Agency, we
2 are looking to request agency status for this project
3 because of all the land that is under our jurisdiction
4 on the border, not only Arizona, but we have in
5 California, which is the Sacramento area office, and in
6 Texas office, and in New Mexico, which is our
7 Albuquerque office. But we are still entertaining that
8 idea, and we haven't really come to a conclusion as to
9 when we will request that status.

10 But we look forward to having our concerns
11 addressed and having the Border Patrol activities --
12 whether it's tied in with this or not, we would like to
13 have those addressed. And whether they meet within the
14 50 mile corridor or not, we would like to have the
15 tribal lands and the tribal land owners out there given
16 the information and coordination to be improved tribal
17 communities and local government agencies.

18 Thank you.

19 PATIENCE PATTERSON: Thank you.

20 Next speaker is Peter L. Steere.

21 PETER L. STEERE: Good evening. My name is
22 Peter Steere. I am the manager of the cultural affairs
23 office of the Tohono O'Odham Nation. Office Box 837,
24 Sells, Arizona, 85634.

25 I want to reiterate what the other speakers

1 have said tonight. In my review of the '94 document,
2 one of the things that stuck out was the lack of
3 involvement or consultation with the Tohono O'Odham
4 Nation or any other tribes along the route of the JTF6
5 project.

6 I think the Nation needs to be involved on a
7 government-to-government basis with the agencies that
8 make up this task force in the production of the
9 supplemental EIS.

10 I think it's extremely important for meetings
11 to be scheduled in Sells. One-third of this borderline
12 is within the boundaries of the Tohono O'Odham Nation
13 and there are many issues reviewed tonight that take
14 place sometimes on a daily basis.

15 My office's responsibility is the
16 identification, protection and preservation of cultural
17 resource sites. That involves identification,
18 protection and preservation of cultural sites, includes
19 archaeological sites, historical sites, traditional
20 cultural places and/or sacred sites.

21 I was requested on two different occasions,
22 one by Mr. Lopez, one by Mr. Dome, to evaluate the
23 effects of the drag roads that the Border Patrol does.
24 I'm not questioning at this point the need to do that.
25 I'm questioning what I see in the field in terms of

1 problems with erosion, destruction of vegetation,
2 what on the roads that are frequently dragged.

3 Narrow jeep trails are being turned into what
4 I call dust freeways, 15 to 20 feet wide. There are
5 serious erosion issues occurring over time to turn these
6 roads into arroyos. There is potential impact on
7 cultural sites because no survey work has been done
8 along these areas. Vegetation is being clipped by the
9 bouncing tires and metal bars that come behind.

10 There's also concern on another survey that we
11 did up there. We were evaluating a possible site --
12 it's been offered as a possible location for Customs. I
13 know that Customs is not involved in this. This site is
14 near a small village on the Nation being used as an
15 informal lookout point by Customs and Border Patrol.
16 They created roads by off-road driving up the side of
17 this hill. This is in the middle of a prehistoric
18 dinosaur site that goes back to the middle of the last
19 century. There's possible grave sites and sacred sites
20 on this hill.

21 My concern is there is not an evaluation
22 process going on. I'm hoping that supplemental -- the
23 issue -- I see cultural resources on the screen up here,
24 that will be addressed.

25 I think in the comments with the '94 thing,

1 State Prehistoric Preservation Office made a
2 recommendation that JTF6 group consult with the tribe in
3 traditional cultural places and memorandums of agreement
4 be drafted.

5 I also see out there, there are solid waste
6 problems, discarding tires, dropping of drag lines in
7 the middle of the road where ranchers can run into them
8 are all concerns.

9 One of the things mentioned tonight, specific
10 projects are not identified. I think it is important
11 for those departments of the Nation, Legislative Branch,
12 Natural Resources Committee, Cultural Offices, Cultural
13 Committees, be notified of the projects, where they are
14 going to take place. I believe these kinds of
15 evaluations of resources need to be identified and
16 evaluated and there needs to be input from the Nation,
17 which I think has been lacking before.

18 And I think there's also human rights issues
19 that need to be addressed that another speaker is going
20 to focus on.

21 And I think that's all I have for now.

22 Thank you.

23 PATIENCE PATTERSON: Thank you.

24 Next speaker is Joseph T. Joaquin.

25 JOSEPH JOAQUIN: Good evening. My name is

1 Joseph Joaquin. I'm a member of the Tohono O'Odham
2 Nation. My address is P.O. Box 837, Sells, Arizona.
3 85634.

4 I just want to say that I cannot educate you
5 people here tonight in five minutes. With that list up
6 there, that's something we, as Tohono O'Odham people,
7 have lived with for centuries.

8 One of the things not up there is what we call
9 human rights. And that is something else that is
10 missing in all these five items that you have listed up
11 there because we, as Tohono O'Odham people, look at
12 things very differently.

13 Agreements are signed way back by the Tohono
14 O'Odham Nation, to work with these agencies that were
15 mentioned. Somewhere along the line, I notice that once
16 you get agencies to come in and do the work they do, it
17 gets carried away. Nobody comes together to sit and say
18 Hey, this is what we're going to be doing next. What do
19 you think? There's nothing been done like that. And it
20 goes on and on.

21 I think the scope what they're supposed to be
22 doing is bigger. People out there -- now we're into the
23 act of getting harassed by these people. We were there
24 first. Before that, Border came long, yet we have a
25 right as a nation to live there in peace and to work

1 with these sources that you have listed up there and not
2 to be harassed by these people.

3 I think there should be an education system
4 with these people that come to work out there, our
5 Nation, how things should be done. It's not been
6 handled that way as I see it now.

7 I'm going to say it to you now. I was
8 harassed the other night. I'm not just saying this to
9 be saying it, it was these people. Run me off the road,
10 shining their light at me. That's something that I hear
11 other people talk about.

12 I hope that this scope meeting is going to be
13 done in Sells and you will really hear what goes on. I
14 don't know if they do it out in these other communities
15 or along the border, but I think it's something that
16 should be addressed, because this is something that --
17 elderly people like myself and other people have been
18 stopped, and yet that is our land. We have a right to
19 be there. I think our people shouldn't be harassed by
20 these people.

21 I've told it to the military people who fly
22 over, I've told that to using the gunnery range. They
23 came together, sat with us. We try and work with these
24 people. Tell them how it is, what should be done. I
25 don't see it from these other agencies that are here.

1 It's good what you have. It's good that you
2 address up there. Like I said, everything falls under
3 what we are, as human beings. This is why all those
4 things up there are protected.

5 Things that were mentioned here, now, it's
6 getting destroyed because nobody comes to the table to
7 sit and say, This is what our mission is going to do
8 now, this is what we're going to be doing. I think that
9 needs to be addressed. I think there should be meetings
10 put on by people working out in the area.

11 I think -- I'm hoping -- again, like I said,
12 it's an educational thing. Because they need to know
13 how our feelings are. We are a sovereign Nation. I
14 think that should be addressed in these things.

15 I know federal agencies, a lot of them, will
16 put something on, forget about us. And yet we are a
17 Nation. We should be dealing government to government,
18 stated earlier before.

19 There are many instances that happen. But I
20 know, again, human rights is not on there. But it falls
21 in with all these things that you have listed because
22 that's our way of life, and we don't like to be harassed
23 by those people because it destroys what we have built
24 for years and years. How to keep and live in this that
25 we have to live. And we shouldn't be having these

1 things happening.

2 But they need to be educated. They need to
3 come out there and sit with us and hear from us. The
4 outside world always comes out and say, You guys are
5 always crying. We have to because nobody wants to come
6 out and listen. To me, people should come out and hold
7 this meeting in our area so we can address a lot of
8 these things.

9 Like I said, five minutes is not enough time
10 to address. All these agencies -- I've been to a lot of
11 these things. It's the same thing. Washington, it's
12 the same way. How I spend a thousand dollars, for five
13 minutes to talk, and nobody wants to listen. Write it
14 down.

15 How many people that's not even in that book
16 that's been passed out yet. I was there at the very
17 first meeting that came to address all these issues. I
18 was one of the people. I was one of the people that
19 said this should be put in and this should be done. No.
20 It didn't happen.

21 So I'm hoping that you do have these people
22 come to our land so we can address these issues. It's
23 good to work with them. We need these people, but they
24 have to understand that we are trying to work with them
25 if they come across the table and hear us. So I'm

1 hoping that you can schedule something for us in Sells.

2 Thank you.

3 PATIENCE PATTERSON: All right.

4 Thank you, Mr. Joaquin.

5 I have no more cards or a list to indicate
6 that there is anyone else who would like to speak. Did
7 we miss anyone who registered?

8 If you --

9 ASSISTANT CHIEF HEINS: Here's one.

10 RACHEL THOMAS: You hadn't missed me, but I
11 would like to speak. I didn't put it down when I came
12 in.

13 PATIENCE PATTERSON: Yes. Come up.

14 Please state your name and address.

15 RACHEL THOMAS: Okay. I am Rachel Thomas.

16 P.O. Box 4637. Huachuca City, Arizona, 85616.

17 I decided to speak because of the lack of
18 involvement of our local government.

19 When I heard about this meeting from somebody
20 in New Mexico, I started trying to find out about it.
21 Our board of supervisors knew nothing about it. The
22 county sheriff's office knew nothing about it. The city
23 council knew nothing about it. I think that you need to
24 involve the local governments.

25 Also, I would like to see a handout of your

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1 slides so we could make notes and have more than just a
2 quick look at a slide.

3 And then how does this relate to Border 21?
4 When you read the Border 21 documents, they are talking
5 about 60 miles on each side of the border. You talk
6 about 50 miles on -- from the border. Are they -- are
7 you a part of -- I mean, is Border 21 and this exercise
8 one and the same? Related? Unrelated?

9 And also, I understand that the notices were
10 in the legal notice of the newspaper. I would suggest
11 press releases out. More people read that than the
12 legal notices.

13 And then I would like to add one item to the
14 list of subjects you have, and that is the mitigation.
15 How much is it going to cost the taxpayers to protect
16 the wildlife, U.S. Fish and Wildlife?

17 And that's all I have. Thank you.

18 PATIENCE PATTERSON: Thank you very much.

19 If there is no one else who wishes to comment,
20 I would like to say that if you later decide you would
21 like to make additional comments or to be on the mailing
22 list, please write to the address on the screen.

23 Thank you for your time, your comments and
24 your courtesy during this evening. We appreciate your
25 attendance, we really do. And all of your remarks will

1 be taken into account.

2 Thank you. Good night.

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1 C E R T I F I C A T E

2

3 STATE OF ARIZONA)
4) ss.
5 COUNTY OF PIMA)

6

7

8 BE IT KNOWN that the foregoing hearing was
9 taken before me, PATRICIA CALABRO, a Notary Public in
10 and for the County of Pima, State of Arizona; taken
11 down by me in shorthand and thereafter reduced to print
12 under my direction; that the foregoing pages are a true
13 and correct transcript of all proceedings had upon
14 taking, all done to the best of my skill and ability.

15

PATRICIA CALABRO, CSR, RPR
CSR No. 7906 (CA)

16

17 My Commission Expires:

18 August 29, 2002

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